

## **REGULATION II - PERMITS AND FEES**

### **RULE 280 FEES**

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**MARICOPA COUNTY  
AIR POLLUTION CONTROL REGULATIONS**

**REGULATION II - PERMITS AND FEES**

**RULE 280  
FEES**

**SECTION 100 - GENERAL**

- 101 PURPOSE:** To establish fees to be charged owners and operators of sources of air pollution subject to these rules.
- 102 APPLICABILITY:** Every person owning/operating equipment or engaged in activities which may cause or contribute to air pollution is subject to the prescribed fees in this rule.

**SECTION 200 - DEFINITIONS:** For the purpose of this rule, the following definitions shall apply:

- 201 EXISTING SOURCE** - A source that has commenced construction and for which one of the following is true:
- 201.1** Held a valid installation or operating permit as of September 1, 1993, or
  - 201.2** Has been issued a permit pursuant to ARS §49-480C after September 1, 1993.
- 202 SOURCES REQUIRED TO OBTAIN A TITLE V PERMIT** - The following sources shall be considered to be required to obtain a Title V permit:
- 202.1** Any source required to have a Title V permit under these rules;
  - 202.2** Any source that qualifies for a Non-Title V permit pursuant to being listed in Rule 200, Section 302 of these rules but that elects to apply for a Title V permit.

**SECTION 300 - STANDARDS**

- 301 TITLE V PERMIT FEES:** The owner or operator of a source required to obtain a Title V permit shall pay fees to the Control Officer according to the following provisions.

- 301.1** An applicant for a permit to construct and operate a source required to obtain a Title V permit pursuant to these rules shall pay to the Control Officer a fee representing the total actual cost of reviewing and acting on the application. The minimum fee chargeable pursuant to this subsection and due with the application shall be \$7000.00 and the maximum fee shall be \$40,000. At any time after submittal of the application, the Control Officer may request an additional application fee based on the cost to date of reviewing and acting on the application, minus any application fee remitted. Before issuance of a permit to construct and operate a source, an applicant shall pay to the Control Officer a fee billed by the Control Officer representing the total actual cost of reviewing and acting upon the application minus any application fee remitted.
- 301.2** Each existing source required to have a Title V permit shall pay annual fees equal to \$31.00 per year per ton of actual emissions of regulated air pollutants calculated pursuant to Section 304 of this rule plus an annual permit processing and inspection fee of \$2500.00 per year.
- 301.3** An applicant for a permit revision pursuant to Rule 210, Sections 405 and 406, or the transfer of a permit pursuant to Rule 200, Section 404, at the time the application or notice is submitted, shall pay a fee as follows:
- a. \$10,000.00 for a significant permit revision that is the result of a major modification.
  - b. \$1,500.00 for any other significant permit revision.
  - c. \$300.00 for a minor permit revision.
  - d. \$250.00 for a permit transfer.
  - e. \$120.00 for an administrative permit amendment.
- 301.4** Before the issuance of a permit revision pursuant to Rule 210, Sections 405 and 406, the applicant for the permit revision shall pay a fee billed by the Control Officer representing the total actual cost of reviewing and acting upon the application or notice, minus any application fee remitted.
- 301.5** Each source required to have a Title V permit pursuant to these rules shall pay a performance test fee of \$640.00 for any year during which such test will be performed.
- 302 NON-TITLE V PERMIT FEES:** The owner or operator of a source required to obtain a Non-Title V permit pursuant to these rules shall pay fees to the Control Officer according to the following provisions.
- 302.1** An applicant for a permit to construct and operate a source required to obtain a Non-Title V permit pursuant to these rules shall pay to the Control Officer a fee representing the total actual cost of reviewing and acting on

the application for a facility listed in Table A (Section 402.1 of this rule) or a fee of \$350.00 for a facility listed in Table B (Section 402.2 of this rule). A nonrefundable sum of \$160.00 shall be due with the application. At any time after the submittal of an application for a facility listed in Table A, the Control Officer may request an additional application fee based on the cost to date of reviewing and acting on the application, minus any application fee remitted. Subsequent to the issuance of the permit, the source shall be subject to the applicable annual fees pursuant to Section 303 of this rule. Before issuance of a permit to construct and operate a source, an applicant shall pay to the Control Officer a fee billed by the Control Officer representing the total actual cost of reviewing and acting upon the application minus any application fee remitted.

- 302.2** Each source listed in Table A (Section 402.1 of this rule) required to have a Non-Title V permit shall pay annual fees equal to \$31.00 per year per ton of actual emissions of regulated air pollutants calculated pursuant to Section 304 of this rule plus an annual permit processing and inspection fee of \$650.00 per year.
- 302.3** Each source, other than Stage I Vapor Recovery Sources, listed in Table B (Section 402.2 of this rule) required to have a Non-Title V permit shall pay annual fees equal to \$31.00 per year per ton of actual emissions of regulated air pollutants calculated pursuant to Section 304 of this rule plus an annual permit processing and inspection fee of \$225.00 per year.
- 302.4** Each Stage I Vapor Recovery Sources listed in Table B (section 402.2 of this rule) required to have a Non-Title V permit shall pay annual fees equal to \$31.00 per year per ton of actual emissions of regulated air pollutants calculated pursuant to Section 304 of this rule plus an annual permit processing and inspection fee of \$335.00 per year.
- 302.5** An applicant for a permit modification pursuant to Rule 220, Sections 404 through 406 of these rules, or the transfer of a permit pursuant to Rule 200, Section 404 of these rules, at the time the application or notice is submitted, shall pay a fee as follows:
  - a.** \$750.00 for a non-minor permit revision for sources listed in Table A (Section 402.1 of this rule).
  - b.** \$225.00 for a non-minor permit revision for sources listed in Table B (Section 402.2 of this rule).
  - c.** \$225.00 for a minor permit revision.
  - d.** \$70.00 for an administrative permit amendment.
  - e.** \$200.00 for a permit transfer.

- 302.6** Before the issuance of a permit revision pursuant to Rule 220, Sections 405 and 406, the applicant for the permit revision shall pay a fee billed by the Control Officer representing the total actual cost of reviewing and acting upon the application or notice, minus any application fee remitted.
- 302.7** Each source requiring a performance test shall pay a performance test fee of \$450.00 for any year during which such test will be performed.
- 302.8** The maximum fee chargeable to this subsection shall be \$25,000.
- 303 GENERAL PERMIT FEES:** The owner or operator of a source required to obtain a permit pursuant to these rules covered by a general permit shall pay fees to the Control Officer according to the following provisions:
- 303.1** An applicant for a permit to construct and operate a source applying for coverage under a general permit issued pursuant to Rule 230 of these rules shall pay to the Control Officer an application processing fee of \$650.00 for a facility listed in Table A (Section 402.1 of this rule) and \$225.00 for a source listed in Table B (Section 402.2 of this rule). A sum of \$160.00 shall be due with the application. Before issuance of a permit to construct and operate a source, an applicant shall pay to the Control Officer a fee billed by the Control Officer representing the remaining application review fees.
- 303.2** Each source listed in Table A (Section 402.1 of this rule) covered by a general permit shall pay annual fees equal to \$31.00 per year per ton of actual emissions of regulated air pollutants calculated pursuant to Section 304 of this rule plus an annual permit processing and inspection fee of \$650.00 per year.
- 303.3** Each source, other than Stage I Vapor Recovery Sources, listed in Table B (Section 402.2 of this rule) covered by a general permit shall pay annual fees equal to \$31.00 per year per ton of actual emissions of regulated air pollutants calculated pursuant to Section 304 of this rule plus an annual permit processing and inspection fee of \$225.00 per year.
- 303.4** Each Stage I Vapor Recovery Source listed in Table B (Section 402.2 of this rule) covered by a general permit shall pay annual fees equal \$31.00 per year per ton of actual emissions of regulated air pollutants calculated pursuant to Section 304 of this rule plus an annual permit processing and inspection fee of \$335.00 per year.
- 303.5** Each source requiring a performance test shall pay a performance test fee of \$450.00 for any year during which such test will be performed.
- 304 CALCULATION OF EMISSION FEES:** The owner or operator of each source required to obtain a Title V permit pursuant to these rules shall pay an annual emission fee equal to \$31.00 per year per ton of actual emissions of regulated air pollutants (rounded to the nearest ton). If a source required to obtain a Non-Title V permit or a General Permit pursuant to these rules emits an aggregate of five tons

per year or more of all regulated air pollutants, the owner or operator of such source shall pay an annual emission fee equal to \$31.00 per ton of actual emissions of regulated air pollutants (rounded to the nearest ton).

**304.1** For purposes of this subsection, actual emissions means the actual quantity of regulated air pollutants emitted over the preceding calendar year or any other period determined by the Control Officer to be representative of normal source operations, determined as follows.

a. Emissions quantities, including fugitive emissions, reported pursuant to Rule 100, Section 507 or pursuant to an emissions inventory required prior to the effective date of Rule 100, Section 507 shall be used for purposes of calculating the permit fee to the extent they are calculated in a manner consistent with this paragraph. Acceptable methods for calculating actual emissions pursuant to Rule 100, Section 500 include the following:

- (1) Emissions estimates calculated from continuous emissions monitors certified pursuant to 40 CFR Part 75, Subpart C and referred appendices, as published in the Federal Register on January 11, 1993 (and no later editions) which is incorporated herein by reference, and is on file with the Control Officer, or data quality assured pursuant to Appendix F of 40 CFR, Part 60.
- (2) Emissions estimates calculated from source performance test data.
- (3) Emissions estimates calculated from material balance using engineering knowledge of process.
- (4) Emissions estimates calculated using AP-42 emissions factors.
- (5) Emissions estimates calculated by equivalent methods approved by the Control Officer. The Control Officer shall only approve methods that are demonstrated as accurate and reliable as the applicable method in items (1) through (4) of this paragraph.

b. Actual emissions shall be determined for each source on the basis of actual operating hours, production rates, in-place process control equipment, operational process control data, and types of materials processed, stored, or combusted.

**304.2** For purposes of this section, regulated air pollutants consist of the following:

- a. Nitrogen oxides or any volatile organic compounds.
- b. Conventional air pollutants, except carbon monoxide.
- c. Any pollutant that is subject to any standard promulgated under Section 111 of the Act (Standards of Performance for New Stationary Sources), including fluorides, sulfuric acid mist, hydrogen sulfide, total reduced sulfur and reduced sulfur compounds.
- d. Any federally listed hazardous air pollutant that is subject to a standard promulgated by the Administrator under Section 112 of the Act (Hazardous Air Pollutants) or other requirement established under Section 112 of the Act, including Sections 112(g) and (j) of the Act. Federally listed hazardous air pollutants subject to requirements established under Section 112 of the Act include the following:
  - (1) Any pollutant subject to requirements under Section 112(j) of the Act (Hazardous Air Pollutants). If the Administrator fails to promulgate a standard by the date established pursuant to Section 112(e) of the Act, any pollutant for which a subject source would be considered major under Section 112(a)(1) of the Act shall be considered to be regulated on the date 18 months after the applicable date established pursuant to Section 112(e) of the Act.
  - (2) Any pollutant for which the requirements of Section 112(g)(2) of the Act (Hazardous Air Pollutants) have been met, but only with respect to the individual source subject to Section 112(g)(2) requirements.

**304.3** The following emissions of regulated pollutants shall be excluded from a source's actual emissions for purposes of this section:

- a. Emissions of a regulated pollutant from the source in excess of 4,000 tons per year.
- b. Emissions of any regulated pollutant that are already included in the fee calculation for the source, such as a federally listed hazardous air pollutant that is already accounted for as a VOC or as PM<sub>10</sub>.
- c. Emissions from insignificant activities excluded from the permit for the source pursuant to Rule 210.

**304.4** A notice to pay the fee specified in this subsection and a declaration of emissions form will be mailed annually to the owner or operator of a source to which this subsection applies with the annual emission inventory questionnaire. The fee is due and payable by April 30 each year or by the ninetieth (90th) day following the date of notice.



**304.5** Beginning in 1995, the \$31.00 per ton per year fee shall be adjusted each year on January 1 to reflect the increase, if any, by which the Consumer Price Index for the most recent year exceeds the Consumer Price Index for year ending in 1993. The Consumer Price Index for any year is the average of the Consumer Price Index for all-urban consumers published by the United States Department of Labor, as of the close of the 12-month period ending on August 31 of each year.

**305 HEARING BOARD FILING FEE:** A \$100.00 fee shall be charged for filing a petition with the Hearing Board. This fee may be refunded by a majority vote of the Hearing Board upon a showing of undue hardship.

**306 CONDITIONAL ORDER FEE:** Any person applying for a conditional order shall pay a conditional order fee. The amount of a conditional order fee shall be equal to the amount of the applicable permit fee as specified in this rule.

**307 GASOLINE DELIVERY VESSEL FEE:** An annual certification fee of \$115.00 shall be charged for each gasoline delivery vessel required to be leak tested by Rule 352 of these rules.

**308 PERMIT TO BURN FEE:** Permits to Burn shall be issued for open outdoor fires that are approved by the Control Officer in accordance with Rule 314 of these rules. An applicant for a Permit to Burn shall pay a fee as set forth in the following fee schedule:

<u>Fire Category</u>	<u>Permit Period</u>	<u>Fee</u>
Tumbleweeds	30 days	\$ 50.00
Fire Hazard	30 days	\$ 50.00
Fire Fighting Instruction	1 year	\$ 50.00
Ditch Bank/Fence Row	1 year	\$ 50.00
Disease/Pest Prevention	30 days	\$ 62.00
Land Clearance	30 days	
Less than 5.0 acres		\$ 74.00
5.0 acres or greater		\$144.00
Air Curtain Destructor	30 days	\$249.00

**309 EARTH MOVING PERMIT FEE:** This schedule includes any power or mechanical equipment used to clear, excavate or level land, including but not limited to demolition, road and street construction, trenching or any other earth moving activity. An applicant for an Earth Moving Permit shall pay an annual fee as set forth in the following fee schedule, based on the total surface area that is disturbed.

<u>Total Surface Area Disturbed</u>	<u>Fee</u>
Annual Block Permit	\$2000.00
0.1 to less than one acre	\$75.00
One acre or greater	\$36.00 per acre plus \$110.00
Example: 6 acres = 6 x \$36.00 + \$110 = \$326	

- 310 ASBESTOS NOTIFICATION AND PLAN REVIEW FILING FEE:** Any person required to file notification pursuant to the provisions of Rule 370 of these rules shall pay a fee as follows:
- 310.1** Any person filing notification of a project to renovate regulated asbestos-containing materials shall pay a nonrefundable notification and plan review filing fee of \$425.00.
- 310.2** Any person filing notification of a project to demolish a facility (as defined in 40 CFR 61, Subpart M) shall pay a nonrefundable notification and plan review filing fee of \$425.00.
- 311 HOURLY RATE:** For the purposes of Sections 301 and 302, the hourly rate applied for all direct hours spent processing the permit shall be \$70.00 per hour.
- 312 LATE FEE:** The following fees shall be assessed in addition to all other applicable fees.
- 312.1 TITLE V, NON-TITLE V OR GENERAL PERMIT:** An applicant for a required permit for a source that has been constructed without such permit and who has received a Notice of Violation shall pay a late fee of \$70.00.
- 312.2 EARTH MOVING PERMIT:** Any person who has begun earth moving activity without an Earth Moving Permit and has received a Notice of Violation for operating the earth moving equipment without an Earth Moving Permit shall pay a late fee of \$70.00.
- 313 DELINQUENCY FEE:** Any applicant or permittee who fails to pay any required fee(s) within 30 days of billing shall pay a delinquency fee of \$35.00 or a delinquency fee of \$70.00 if delinquent over 60 days from the date of billing. Applicants and permittees shall be notified by mail of any permit delinquency fees that are due and payable.
- 314 SUBSCRIPTION FEE FOR RULE REVISIONS:** A person requesting to be placed on a mailing list to receive copies of new and revised rules shall pay to the Control Officer an annual subscription fee of \$35.00.
- 315 ACCELERATED PERMIT PROCESSING:** An applicant requesting accelerated permit processing shall pay fees to the Control Officer according to the following provisions:
- 315.1** Such a request shall be accompanied by the standard application fees as described in this rule, plus an additional payment of 50 percent of those fees, which shall be nonrefundable, if the Control Officer undertakes to provide accelerated processing as described in Rule 200, Section 313 of these rules.
- 315.2** At any time after an applicant has requested accelerated permit processing, the Control Officer may request an additional advance

payment fee based on the most recent estimated cost of accelerating the processing of the application.

**315.3** Before issuing a permit or permit revision pursuant to Rule 200, Section 313 of these rules, the applicant shall pay to the Control Officer all regular permit processing and other fees due, and the difference between the actual cost of accelerating the permit application, including any costs incurred by the Control Officer in contracting for, hiring, or supervising the work of outside consultants, and all advance payments submitted. If an additional payment is required, the Control Officer shall provide an accounting of the actual cost of accelerating the permit application, at the request of the applicant.

**315.4** Any additional costs incurred as a result of accelerated permit processing shall not be applied toward any applicable maximum fee described in this rule.

## **SECTION 400 - ADMINISTRATIVE REQUIREMENTS**

### **401 PAYMENT OF FEES:**

**401.1** At least 30 days before the anniversary date of a Title V, Non-Title V or General Permit issued pursuant to these rules, the owner or operator of the source will be notified by mail of the annual permit processing and inspection fee to be paid and the due date.

**401.2** Gasoline delivery vessel fee shall be paid at the time the application is submitted showing satisfactory test results prior to the issuance of the sticker required in the provisions of Rule 352.

**401.3** Asbestos removal notification and plan review filing fee shall be paid at the time the notification is submitted. The notification is not considered filed until the appropriate filing fee is paid.

**401.4** Other fees shall be paid in the manner and at the time notified.

**402 TABLE A AND TABLE B SOURCES:** For processes and equipment not listed below, the Control Officer will designate either Table A or Table B applicability.

#### **402.1 Table A Sources:**

Aggregate Production/Crushing, All  
Aggregate Screening  
Aircraft Manufacturing  
Animal Feed Processing  
Asphalt Batching  
Auto Body Shredding  
Bulk Terminal  
Cement Products Packaging  
Chemical Processing, Dry

**Table A Sources Continued:**

Chemical Processing, Liquid  
Circuit Board Processing  
Coating Line, Can/Coil/Fabric/Film/Glass/Paper  
Concrete Batching  
Concrete Products Manufacturing  
Cotton Ginning  
Cotton Seed Processing  
Crematory  
Cultured Marble  
Ethylene Oxide Sterilization  
Extrusion  
Fiberglass Product Manufacturing  
Flour Milling  
Foundry  
Furnace, Metals  
Furnace, Burn-Off  
Furnace, Electric Arc  
Furnace, Other  
Gas Turbine, All  
Grain Cleaning/Processing  
Grain Storage  
Gypsum, Calcining  
Incinerator, Medical Waste  
Incinerator, Other  
Insulation Manufacturing  
Internal Combustion Engine, Cogeneration  
Jet Engine Manufacturing  
Miscellaneous Air Polluting Equipment  
Pesticide/Herbicide Production  
Pharmaceutical Manufacturing  
Pipeline Transmission Facilities  
Plating Tanks  
Printing Presses, 25 Tons Per Year Potential Uncontrolled VOC Emissions  
or Facilities With Controls  
Rendering  
Rubber Products Manufacturing  
Semiconductor Manufacturing  
Soil Treatment  
Solvent Degreasing Unit/System, Solvent Use <sup>3</sup>3 Gallons Per Day  
Solvent Reclaiming  
Stage I Vapor Recovery, Bulk Plants Other Than Shown in Table B  
Stripping Operations  
Tennis Ball Manufacturing  
Vegetable Oil Extraction  
Wood Treating

**402.2 Table B Sources:**

Abrasive Blasting  
Asphalt Day Tanker/Kettle  
Cement Products Packaging  
Dry Cleaning  
Fertilizer, Packaging, Mixing and Handling  
Fuel Burning  
Incinerator, Paper and Cardboard Products  
Internal Combustion Engine, All  
Miscellaneous Solvent Use at a Premise  
Petroleum Storage, Non-retail  
Printing Presses, <25 Tons Per Year Potential Uncontrolled VOC  
Emissions and With No Controls  
Solvent Cleaning, <3 Gallons Per Day  
Spray Coating  
Stage I Vapor Recovery, Bulk Plant Loading Facilities as Defined by Rule  
351, Section 305.1  
Stage I Vapor Recovery, Service Station and larger Non-resale Dispensing  
Operations  
Non-resale Dispensing Operations exempted from Stage I Vapor Recovery  
by Rule 353, Section 303.2  
Storage Tanks, Non-Petroleum

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